

ER-1-2046

File Hazardous pay

STATINTL

16 August 1960

Mr. Warren Irons
Chief, Retirement Division
United States Civil Service Commission
Washington 25, D. C.

Dear Mr. Irons:

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I would like to thank you for the assistance you have given Mr. [REDACTED] our Personnel Director, in your recent discussions with him on certain retirement problems peculiar to this Agency.

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As indicated to you by [REDACTED] there is considerable thought being given by this office to an accelerated retirement program for certain classes of our personnel for which there seems to be sufficient justification in view of the provision made for other agencies. In particular we have reference to the authority set forth in 5 U.S.C. 691, subsection (d) as amended, which permits retirement under certain circumstances after 20 years of service upon the determination of the Civil Service Commission. In that subsection it is stated that this provision runs to any officer or employee "the duties of whose position are primarily the investigation, apprehension, or detention of persons suspected or convicted of offenses against the criminal laws of the United States - - - ." This qualification appears to be a condition precedent to entitlement to the shortened retirement benefits.

According to the information you gave [REDACTED] it is your understanding that as far as the Civil Service Commission is concerned, the employees of the Central Intelligence Agency are included in the provisions of Section 691(d). Since we are not aware of any ruling on this problem, we should, in the interest of our employees, like to know whether a definite ruling can be

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obtained at this time. If so, we would appreciate your advice on the steps to be taken and, if not, or if such ruling is adverse to the best interests of our employees, we would appreciate your comments on the desirability of amending Section 691 (d) or recommending other legislative action.

In this connection, we wish to point out pertinent language of the National Security Act of 1947, by which the Central Intelligence Agency was established. In Section 102 (d) (3) of that Act, there is a proviso "that the Agency shall have no police, subpoena, law-enforcement powers or internal security functions: - - -." In view of this blanket prohibition, it is difficult to see how any CIA employee could be assigned to duties in any way connected with investigation, apprehension, or detention of persons suspected or convicted of offenses against the criminal laws of the United States. At best, information concerning such offenses might be obtained by CIA personnel engaged in the field of foreign intelligence as incidental to their main work; but in such cases, it is our interpretation of the law that such information must be turned over to other appropriate agencies for action within the United States.

It is our thought that the language of the National Security Act of 1947 might at some future date be raised to bar an employee from obtaining the benefits of Section 691 (d) even though his services had been of the hazardous nature towards which that provision was directed.

Your expert opinion and the position of the Civil Service Commission on the application of these laws will be much appreciated.

Sincerely,



Acting Executive

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Copies to:
✓ General Counsel
Pers. Dir.
Exec. Chrono.